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To: Microsoft ATR
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Subject: Microsoft Settlement

I find the proposed Final Judgement to be deficient in several areas, especially when compared to how like behavior would be treated if the defendant were an actual person.

Section III.C.4 does not prohibit Microsoft from requiring a Microsoft Operating System be installed or sold on/with any system containing an alternative Operating System. Nor is this behavior prohibited by section III.G.1.

Section III.D is a closed forum. An open forum modeled perhaps after that of the IETF (Internet Engineering Task Force) should be used to ensure everyone has access. The purpose of this section is to enhance competition. Anyone who is for competition should not be against a little more.

Section III.E is also a closed forum. Communication Protocols should be published and should be standardized outside of Microsoft. Internet protocols MUST be standardized via the RFC processes within the IETF.

Section III.G.1 is too weak to keep Microsoft from returning to prior practices. The words 'except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software' should be struck.

Section III.J.2 should include more than just commercial products. APIs should be available without cost to anyone who has an interest, whether as a hobby or as a business. This is a market economy. If someone wants to do something for free, they should be able to.

By limiting access to crucial APIs and protocols to only people and entities which can demonstrate that they will profit from the knowledge, the market has not been significantly opened up. Many innovations, to borrow a term that has been bastardized by Microsoft, come from people toying around with ideas and not trying to make a profit.

By not punishing Microsoft in any significant way, Microsoft, and indeed the world, has learned that to be a success means to break the law big and quick, make a lot of money, and contribute to

political parties when you get caught so no one will steal the lunch money from the bully. Enron is making good on this at the moment as well.

In most drug-related cases, the defendant's money is seized before being found to have committed a crime because the money is from illegal behavior, as defined by the prosecution and the police. If that can be done before the case has ever seen a court room, then how much easier must it be to remove money from Microsoft who has already been proven to have broken the law. Microsoft should pay damages in some multiple of \$10 billion. Money is all that companies care about -- their bottom line -- their reason de etre. Everything else in any judgement is just window dressing and will be lived with.

The Justice Department has an opportunity to help the consumer, but the President has an opportunity to help his constituency. I pray the Justice Department will prevail.

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